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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 THE UNITED STATES OF AMERICA,) No. 2:20-cr-5 DAD
11 Plaintiff,)
12 v.) STIPULATION AND ORDER
13) TO CONTINUE SENTENCING HEARING
14)
15 VILIAMI FATUKALA,) Requested date: 11-14-2023
16 QUYNHMY YAMAOTO,) Time: 9:00 a.m.
17 IRIS MINA, and) Judge: Hon. Dale A. Drozd
18 JOHN HOLLIS, II,)
19 Defendants.)
20 ======)
21

22 It is hereby stipulated between the parties, Aaron Pennekamp, Assistant United States
23 Attorney, William Portanova, attorney for defendant VILIAMI FATUKALA, Dina Santos, attorney
24 for defendant IRIS MINA, Assistant Federal Defender Megan Hopkins, attorney for defendant JOHN
25 HOLLIS II, and Michael D. Long, attorney for defendant QUYNHMY YAMAMOTO, that the
26 sentencing hearing set for September 26, 2023, at 9:00 a.m., before Judge Drozd, should be continued
27 and re-set for November 14, 2023, at 9:00 a.m., before Judge Drozd. USPO Lewis filed the draft pre-
28 sentence report on May 2, 2023. Informal objections to the draft PSR are currently due on August
15, 2023.

29 Each party has agreed to move the status hearing, with the Court's permission, to November
30 14, 2023. All parties are available to appear, and they all agree to appear, in court in-person on
31 November 14, 2023.

1 The parties further agree that this court should make a finding of good cause for the requested
2 extension and that in fact good cause is hereby shown. William Portanova has recently taken over as
3 retained counsel for Mr. Fatukala. Mr. Portanova must finish reading the discovery, meet with his
4 client, defense counsel and the government. The government has provided over 4,950 pages of
5 discovery. All attorneys continue to read and view the discovery, investigate the case and meet with
6 their respective clients. Counsel for defendants believe that failure to grant the above-requested
7 continuance would deny counsel the reasonable time necessary for effective preparation, taking
8 into account the exercise of due diligence.

9
10 Each party further stipulates that the ends of justice served by granting such continuance
11 outweigh the best interests of the public and of all the defendants in a speedy trial. Time has already
12 been excluded through September 26, 2023.

13
14 The request for extending the date for the status conference is at the specific request of each
15 of the defendants and with the knowing, intelligent and voluntary waiver of each defendant's speedy
16 trial rights under the law. The government agrees that a continuance is necessary. Good cause is
17 hereby shown.

18
19 For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,
20 within which trial must commence, the time period from today's date to November 14, 2023,
21 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
22 because it results from a continuance granted by the Court at defendants' request on the basis of
23 the Court's finding that the ends of justice served by taking such action outweigh the best interest
24 of the public and the defendant in a speedy trial.

25
26 Further, the parties agree to the following revised PSR schedule. The draft PSR was filed
27 on May 2, 2023.

1 The parties hereby stipulate to re-set the schedule for the Presentence Report as follows:

2 Judgment and Sentencing Date: November 14, 2023

3 Reply, or Statement of Non-opposition: November 7, 2023

4 Motion for Correction of the Presentence Report shall be filed with the Court and
5 served on the Probation Officer and opposing counsel no later than: October 31, 2023

6 The revised final Presentence Report will be filed with the Court on October 24, 2023

7 Counsel's informal objections will be filed by October 10, 2023

8 Dated: August 4, 2023

Respectfully submitted,

9 /s/ Michael D. Long

10 MICHAEL D. LONG
11 Attorney for Quynhmy Yamamoto

12 /s/ William Portanova

13 WILLIAM PORTANOVA
14 Attorney for Viliami Fatukala

15 /s/ Dina Santos

16 DINA SANTOS
17 Attorney for Iris Mina

18 /s/ Megan Hopkins

19 MEGAN HOPKINS
20 Assistant Federal Defender
Attorney for John Hollis II

21 Dated: August 4, 2023

22 PHILLIP TALBERT
United States Attorney

23 /s/ Aaron Pennekamp

24 AARON PENNEKAMP
Assistant U.S. Attorney

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ORDER

Pursuant to the stipulation of the parties and good cause appearing, the sentencing hearing as to all four defendants in this action is continued from September 26, 2023, to November 14, 2023, at 9:30 a.m., before District Court Judge Dale A. Drozd. Because it is a sentencing hearing that is being continued, time need not be excluded under the Speedy Trial Act.¹

The PSR schedule is revised as follows:

Judgment and Sentencing Date: November 14, 2023 at 9:30 a.m.

Reply, or Statement of Non-opposition: November 7, 2023

Motion for Correction of the Presentence Report shall be filed with the Court and served on the Probation Officer and opposing counsel no later than: October 31, 2023

The revised final Presentence Report will be filed with the Court on October 24, 2023

Counsel's informal objections will be filed by October 10, 2023.

Finally, the court notes that the four defendants entered their pleas of guilty in this case on November 8, 2022 and December 6, 2022. In light of the passage of time since those guilty pleas were entered, **no further continuances of the sentencing hearing date in this case will be granted absent a compelling showing of good cause.**

IT IS SO ORDERED.

Dated: **August 6, 2023**

Dale A. Droyd
UNITED STATES DISTRICT JUDGE

¹ The parties' stipulation erroneously refers at least once to the scheduled September 26, 2023 hearing as a status hearing. The hearing date that is being continued at the parties' request is, however, a sentencing hearing as to all four defendants in this case.